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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/549,303

07/03/2006

Ko Matsuoka

053121

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08/27/2008

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EXAMINER

EL-ZOOBI, MARIA

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

08/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/549,303

Applicant(s)

MATSUOKA, KO

Examiner

MARIA EL-ZOOBI

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 04/14/2006, 09/16/2005

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. Claim 1 recites the limitation "viewing/listening"; it is not clear if the limitation indicate viewing only or listening only or viewing and listening. This claim is an omnibus type claim.

Claims 2-10 are rejected as being depending on a rejected claim.

Claim 7 is not clear and appears to be a literal translation into English from a foreign document, Examiner interpret the claim as best understood.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez (US Patent 6,590,602) in view of Takashima (JP Publication 07-

298162; based on machine translation) and further in view of (Uehara (JP Publication 09-149333; based on machine translation).

Regarding claim 1: Fernandez discloses, a mobile apparatus comprising a broadcast receiving function for receiving a television broadcast and a telephone communication function for performing a telephone communication (Col. 1, lines 56-57, Col. 2, lines 57-65, Col.2, lines 9-11, 22-27, 57-65 and Col. 3, lines 11-12; the reference teaches a digital TV unit that enable receiving a TV programs and having a videoconference with multiple parties simultaneously and this DTV can be implement in a mobile to enable these features) and enable the video conferencing by selecting the participants and activate the video camera and microphone (Col. 4, lines 66-67 through Col. 5, lines 1-2), an audio output device (the speaker Fig. 3, el. 32) and that the display screen may combine and mix Program display, data, and video conference window (Col. 3, lines 42-47) and audio output signal also generated (Col. 3, lines 52-55), also Fernandez discloses that the program broadcast is being through channel 6 (Col. 4, lines 38-40) and that the conference is through channel 10 (Col. 5, lines 14-16).

Fernandez does not disclose the audio output device or the audio circuit as claimed.

In similar art of endeavor, Takashima discloses an audio circuit in picture -in-picture television receiver, where the audio output device comprising left audio output unit and right audio output unit (Pg. 8, lines 20-22) and an audio processing circuit (see Fig. 1) for outputting the sound of the left screen to the left speaker and the sound of the

right screen to the right speakers (Pg. 8, lines 20-23) and that the audio processing circuit is able to generate a monaural television audio signal that will be direct to one audio output (Pg. 3, lines 3-5).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Fernandez audio system with Takashima teaching, in order to enable the user from viewing more than one TV channel and output the audio of each channel on a different audio output, so the user can enjoy more than one program at the same time and also to have the TV audio outputted from one channel in order to use the other output audio channel for other purposes.

Fernandez in view of Takashima does teach how to deal with the deal with the audio traffic upon having a phone communication.

In similar art of endeavor Uehara discloses a television receiver that enable a telephone call which can be made while watching a TV (Paragraph 0006) and that in case of telephone communication, the received audio telephone will be outputted on a telephone line provided in the TV receiver to enable the user from having a phone conversation while watching the TV (Paragraph 0009-0010 and 0021).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Fernandez in view of Takashima system, with the teaching of Uehara in order to enable the user to listen to TV and talk to the calling party simultaneously, so if the user listening to news broadcast he/she will be able to end the phone conversation upon hearing an important event and want to pay a full attention to the detail.

Regarding claim 6, Fernandez in view of Takashima and further in view of Uehara discloses, a display device for displaying a television image and a telephone-received image and a display control means for displaying both of the television image and the telephone-received image on the display device in the case of performing the telephone communication at the time of viewing / listening to the television, are provided (Fernandez: Fig. 4 and Col. 3, lines 45-56).

Regarding claim 7, Fernandez in view of Takashima and further in view of Uehara discloses, the display control means window-displays one of the television image and the telephone-received image in a displayed image of the other (Fernandez: Fig. 4 and Col. 3, lines 45-56).

Regarding claim 8, Fernandez in view of Takashima and further in view of Uehara discloses the display control means divides a display screen into two regions and displays the television image in one of the divided display regions and the telephone-received image in the other region (Fernandez: Col. 3, lines 43-64).

Regarding claim 10, Fernandez in view of Takashima and further in view of Uehara discloses wherein the audio output device is an earphone or a headphone (Takashima: Paragraph 0018).

5. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez (US Patent 6,590,602) in view of Takashima (JP Publication 07-298162;

based on machine translation) and further in view of (Uehara (JP Publication 09-149333; based on machine translation) and further in view of Eves (WO Publication 01/97560).

Regarding claim 2, Fernandez in view of Takashima and further in view of Uehara discloses, outputting the TV audio and the telephone audio on a different output units (see claim 1 explanation)

Fernandez in view of Takashima and further in view of Uehara does not disclose wherein a setting means for setting which of the audio output units is used for outputting the television audio and the telephone-received audio in the case of performing the telephone communication at the time of viewing / listening to the television, is provided.

In similar art of endeavor Eves discloses an audio system that includes first and second audio signals and left and right audio output devices. The stereophonic sounds made into monaural sounds and under the control of a control unit will send to left audio output and that the telephone audio to the right audio output (Pg. 5, lines 1-16).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Fernandez in view of Takashima and further in view of Uehara system with Eves teaching, in order to give the user the ability to choose the preferred channel to output the telephone audio on.

Regarding claim 3, Fernandez in view of Takashima and further in view of Uehara discloses, mean to adjust the voice balance of sound output (Takashima:

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Paragraph 0018, lines 4-5).

Fernandez in view of Takashima and further in view of Uehara does not disclose that controlling a ratio of sound volumes of the two audio output units in the case of performing the telephone communication at the time of viewing / listening to the television, is provided.

In similar art of endeavor Eves discloses an audio system that includes first and second audio signals and left and right audio output devices and a volume adjustment is provided when the user receive a phone call and the phone audio traffic is direct to the right audio channel and the other audio sounds are directed to the left audio channel (Pg. 5, lines 1-16).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Fernandez in view of Takashima and further in view of Uehara with Eves teaching in order to give the user the choice to provide the higher volume to the audio stream that the user should pay more attention to it.

Regarding claim 4, Fernandez in view of Takashima and further in view of Uehara and further in view of Eves discloses, a setting means used by a user for setting the sound volume ratio is provided (Eves: Pg. 5, lines 6-16).

Regarding claim 5, Fernandez in view of Takashima and further in view of Uehara and further in view of Eves discloses, wherein the sound volume ratio control means controls the sound volume ratio so that the sound volume of the telephone-received audio is higher than the sound volume of the television audio (Pg. 5, lines 1-

16; so when there is incoming call a volume adjustment is provided; although the references do not expressly teach that adjusting the sound volume to have the telephone received audio higher than the TV audio, however it is obvious to do so when the user receive a phone call, to lower any other audio streams).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez (US Patent 6,590,602) in view of Takashima (JP Publication 07-298162; based on machine translation) and further in view of (Uehara (JP Publication 09-149333; based on machine translation) and further in view of Dimitrova (US Publication 2002/0140862).

Regarding claim 9, Fernandez in view of Takashima and further in view of Uehara discloses a display that has multiple screen for display TV program and for the telephone image (Fernandez: Fig. 4 and Col. 3, lines 45-55).

Fernandez in view of Takashima and further in view of Uehara does not expressly discloses a setting means used by the user for setting sizes and display positions of the television image and the telephone-received image displayed on the display device is provided.

Dimitrova discloses picture-in-picture TV, and the TV receiver has the capability to adjust the size and positions of PIP display screen.

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Fernandez in view of Takashima and further in view of Uehara TV receiver with Dimitrova teaching, in order to provide the user with

capability of changing the size and position of the display screens, so the user will have the choice to have a big screen for the conferencing and a small screen on the display for watching other program or vice versa.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIA EL-ZOOBI whose telephone number is (571)270-3434. The examiner can normally be reached on Monday-Friday (8AM-5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Fan Tsang/

Supervisory Patent Examiner, Art Unit 2614

/M. E./

Examiner, Art Unit 2614

/Maria El zoobi/

Examiner, Art Unit 2614